

REMARKS

Claims 1-24, 32-43, 51-77, 85-90, 92-105, 112-123 and 164 stand rejected.

Claims 16-18, 22-24, 97, 103-15 and 119 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,366,622 B1 ("Brown") in view of U.S. Patent No. 5,594,456 ("Chen"). Applicants respectfully traverse the rejection as set forth below.

The Office Action at page 6 states that "Brown does not specifically disclose generating the third clock by dividing the second clock by an integer N. Chen teaches generating the third clock by dividing the second clock by an integer N".

It is respectfully submitted that Brown and Chen should not be combined since Brown specifically and directly teaches away from Chen.

As alleged in the Office Action, if "Chen teaches generating the third clock by dividing the second clock by an integer N", then Brown teaches away from using divider circuitry.

Brown at col. 17, lines 18-23 states the following:

Operating the VCO 248 at the same frequency as the incoming RF signal has the advantage of eliminating the need for multiplier or divider circuitry that would normally be associated with the amplifier 252. Eliminating this additional circuitry that is traditionally used results in a lower current, smaller and lower cost solution.

Accordingly, Brown specifically and directly teaches away from the teachings of Chen.

Applicants respectfully submit that Brown was improperly combined with Chen.

For at least the above reasons, it is respectfully submitted that an obviousness rejection, based at least upon the combination of Brown and Chen, cannot be maintained.

It is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 16-18, 22-24, 97, 103-15 and 119.

The Office Action at page 7 alleges that Chen makes up for the teaching deficiencies of Brown. However, Applicants respectfully submit that one of ordinary skill in the art as pertains to Brown would not have looked to Chen to make up the teaching deficiencies of Brown.

Applicants respectfully draw the attention of the Examiner to the fact that Brown to communications using an antenna. See, e.g., title of Brown ("Apparatus and Method for

Wireless Communications”)(emphasis added). On the other hand, Chen relates to “systems that allow multiple plesiochronous digital hierarchy payload data streams to be synchronously communicated using *fiber optical* transceivers”. Chen at col. 1, lines 7-10 (emphasis added).

Applicants respectfully submit that one of ordinary skill in the *wireless* communication arts of Brown would not look to an invention relating to multiple plesiochronous digital hierarchy payload data streams of *fiber optic* systems.

Applicants respectfully submit that one of ordinary skill in the wireless communication arts of Brown looking to modify, for example, a clock frequency used in, for example, downconversion and/or upconversion would not look to a cable system whose main purpose is to remove “the need to perform stuffing and de-stuffing of the data streams” in a fiber optics system. See, e.g., Chen at Abstract.

Respectfully, the stuffing and de-stuffing of the data streams in cable systems described in Chen requires a different person of ordinary skill in the art than the wireless communications described in Brown.

Applicants respectfully submit that Chen was improperly combined with Brown.

For at least the above reasons, it is respectfully submitted that an obviousness rejection, based at least upon the combination of Brown and Chen, cannot be maintained.

It is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 16-18, 22-24, 97, 103-15 and 119.

Claims 1-15, 19-21, 32-43, 51-77, 86-90, 92-96, 100-102, 112-118, 122, 123 and 164 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Brown. Applicants respectfully traverse the rejection as set forth below.

Claim 15 recites generating the clock in claim 14 by mixing a second clock with a third clock. In other words, the clock that is used in downconversion in claim 14 is generated by *mixing* a second clock with a third clock. Please identify the clock used in downconversion in claim 14. Was said clock generated by *mixing* a second clock with a third clock? Please identify the second clock and the third clock. It is respectfully submitted that Brown does not describe the elements as set forth in claim 15, which depends from claim 14.

Claims 38 and 96 recite similar elements. Accordingly, Brown does not anticipate claims 38 and 96.

For at least the above reasons, it is respectfully requested that rejection under 35 U.S.C. § 102(e) with respect to claims 15, 38 and 96 be withdrawn.

In this light of this discussion, after identifying a clock, a second clock and a third clock as recited in some of the claims with all the interrelationships therebetween, the Examiner is requested to review and to reconsider the rejections of claims with similar issues.

In addition, claim 1 recites, in part, “programming one of the receiver and the transmitter to process communication protocol for a local area network or a personal area network; ... wherein the programming comprises programming a demodulator with a demodulation”.

In support of “wherein the programming comprises programming a demodulator with a demodulation”, the Office Action cites Brown at the Abstract; col. 7, lines 2-21; col. 8, lines 25-36; col. 10, lines 16-31 and col. 23, lines 50-57. Applicants respectfully taken aback by the number of citations allegedly describing such a short phrase as programming a demodulator with a demodulation. Nevertheless, Applicants have carefully perused each citation to Brown and is still unable to find a description of programming a demodulator with a demodulation.

For example, the Abstract, in relevant part, merely states that “[t]he modem is coupled to the radio and is configured to demodulate received data and modulate data for transmission”. Nowhere does Brown state that a demodulator was programmed with a demodulation. In fact, there appears to be no mention of programming at all. It appears that “configured” might have been stretched to meanings that are not supported by the specification of Brown. The Examiner is requested to provide supporting evidence from the specification in Brown, rather than making unsupported interpretations from the Abstract.

Brown at col. 7, lines 2-21, in relevant part, merely notes that the “LC 24 is specific to the system since it implements system protocol functions. It is also specific to the type of modulation used in the system and it is also dependent upon the type of radio architecture implemented.” There appears to be no description of programming a demodulator with a demodulation. In fact, there appears to be no mention of programming at all. [Note: just

because a physical key is specific to a type of a particular door knob; it does not necessarily follow that the physical key has been programmed.]

Brown at col. 8, lines 25-36, in relevant part, merely states that “[t]he modem is coupled to the radio and is configured to demodulate received data and modulate data for transmission”. Again, it appears that “configured” might have been stretched to meanings that are not supported by the specification of Brown. There appears to be no description of programming a demodulator with a demodulation. In fact, there appears to be no mention of programming at all.

Brown at col. 10, lines 16-31, in relevant part, states that “[d]emodulation of the received signal, as well as modulation of the signal for transmission, may be provided by a modem”. There appears to be no description of programming a demodulator with a demodulation. In fact, there appears to be no mention of programming at all.

Brown at col. 23, lines 49-57, in relevant part, states that “the modem 1104 includes a demodulator 1196 for demodulating received data The modem 1104 is capable of performing GFSK ... demodulation, frame timing recovery, and frequency hop control.” There appears to be no description of programming a demodulator with a demodulation. In fact, there is no mention of programming at all.

Since Brown does not describe each and every element as set forth in claim 1, Brown does not anticipate claim 1.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to claim 1 and its rejected dependent claims (i.e., claims 2-15, 19-21 and 164).

The same or similar arguments can be made, if applicable, to independent claims 32, 51, 85 and 112 as have been made with respect to independent claim 1.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 102(e) be withdrawn with respect to independent claims 32, 51, 85 and 112 and their rejected dependent claims (i.e., claims 33-43, 52-77, 86-90, 92-96, 100-102, 113-118, 122 and 123)

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization

of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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